

*Volokh, et al. v. Letitia James,*

**Exhibit C to  
Declaration of  
Darpana Sheth**

# Attorney General James and Governor Hochul Release Report on the Role of Online Platforms in the Buffalo Shooting

*Report Details Shooter's Radicalization on Fringe Websites, Use of Mainstream Platforms to Livestream Violence*

*AG James and Governor Hochul Call for Federal and State Legislative Reforms to Combat Online Extremism and Violence*

NEW YORK – New York Attorney General Letitia James and Governor Kathy Hochul today [released a report](#) on the role of online platforms in the tragic Buffalo mass shooting where 10 Black individuals were killed and three others were injured at the Tops grocery store. The Office of the Attorney General (OAG) reviewed thousands of pages of documents and social media content to examine how the alleged shooter used online platforms to plan, prepare, and publicize his attack. This investigation and subsequent report were completed in accordance with a referral from Governor Hochul. During the course of the investigation, OAG obtained and reviewed external and internal content and policies of several of the online platforms used by the shooter. The report concludes that fringe online platforms, like 4chan, radicalized the shooter; livestreaming platforms, like Twitch, were weaponized to publicize and encourage copycat violent attacks; and a lack of oversight, transparency, and accountability of these platforms allowed hateful and extremist views to proliferate online, leading to radicalization and violence.

In the wake of these findings, Attorney General James and Governor Hochul are calling for federal and state reforms to combat online extremism and violence, including state legislation that would criminalize graphic images or videos created by a perpetrator of a homicide and penalize individuals who reshare or repost those same images or videos. In addition, Attorney General James and Governor Hochul are recommending changes to Section 230 of the federal Communications Decency Act to increase accountability of online platforms and require companies take reasonable steps to prevent unlawful violent criminal content from appearing on their platforms.

"The tragic shooting in Buffalo exposed the real dangers of unmoderated online platforms that have become breeding grounds for white supremacy," said **Attorney General James**. "Today I met with the victims' families to share the findings of this report. This report is further proof that online radicalization and extremism is a serious threat to our communities, especially communities of color. We saw this happen in Christchurch, Charlottesville, El Paso, and Buffalo, and we cannot wait

for another tragedy before we take action. Online platforms should be held accountable for allowing hateful and dangerous content to spread on their platforms. Extremist content is flourishing online, and we must all work together to confront this crisis and protect our children and communities.”

“For too long, hate and division have been spreading rampant on online platforms — and as we saw in my hometown of Buffalo, the consequences are devastating,” said **Governor Hochul**. “In the wake of the horrific white supremacist shooting this year, I issued a referral asking the Office of the Attorney General to study the role online platforms played in this massacre. This report offers a chilling account of factors that contributed to this incident and, importantly, a road map toward greater accountability.”

The OAG report examined several online platforms used by the shooter, including 4chan, 8kun, Reddit, Discord, Twitch, and YouTube, and other online platforms where OAG found graphic content of the shooting or the shooter’s manifesto, including Facebook, Instagram, Twitter, TikTok, and Rumble. The OAG subpoenaed these companies and reviewed thousands of pages of documents. Investigators looked at how platforms have been used to distribute and promote racist and antisemitic memes and messages and share graphic media of previous racially motivated violence, both of which contributed to the alleged shooter’s radicalization. The report also details how several more mainstream platforms were used to livestream the shooting with the goal of inciting additional violent acts, and how graphic video of the shooting proliferated online.

In sum, the report confirms that several online platforms played an undeniable role in this racist attack, first by radicalizing the shooter as he consumed voluminous amounts of racist and violent content, helping him prepare for the attack, and finally allowing him to broadcast it. The report notes these takeaways:

➤ **Fringe Platforms Fuel Radicalization:** By his own account, the Buffalo shooter was radicalized by virulent racist and antisemitic content on anonymous, virtually unmoderated websites and platforms that operate outside of the mainstream internet, most notably 4chan. In the wake of the Buffalo shooting, graphic video of the shooting recorded by a viewer of the shooter’s livestream proliferated on fringe sites. The anonymity offered by 4chan and platforms like it, and their refusal to moderate content in any meaningful way, ensures that these platforms continue to be breeding grounds for racist hate speech and radicalization.

➤ **Livestreaming Has Become a Tool for Mass Shooters:** Livestreaming has become a tool of

mass shooters to instantaneously publicize their crime, further terrorizing the community targeted by the shooter and serving as a mechanism to incite and solicit additional violent acts. The Buffalo shooter was galvanized by his belief that others would be watching him commit violence in real-time. Although the platform he used to livestream his atrocities disabled the livestream within two minutes of the onset of violence, two minutes is still too much.

- **Mainstream Platforms' Moderation Policies Are Inconsistent and Opaque:** Many large, established platforms improved on their response time for identifying and removing problematic content related to the Buffalo shooting, including graphic video of the shooting and the shooter's manifesto, as compared to past events. However, the platforms' responses were uneven, with one platform unable to identify posts that linked to off-site copies of the shooting video even after those posts were flagged through user reports. Many platforms also do not fully disclose how they moderate hateful, extremist, or racist content.
- **Online Platforms Lack Accountability:** Online platforms enjoy too much legal immunity. Section 230 of the Communications Decency Act largely insulates platforms from liability for their content moderation decisions, even when a platform allows users to post and share unlawful content.

In response to the findings in the report, Attorney General James recommends a variety of reforms that are supported by Governor Hochul and would tackle online extremism and increase accountability of online platforms. These recommendations include:

- **Create Liability for the Creation and Distribution of Videos of Homicides:** New York and other states should pass legislation imposing criminal liability for the creation, by the perpetrator, of images or videos depicting a homicide. New York should explore establishing civil liability for anyone who transmits or distributes such images or videos beyond the perpetrator. In concert with appropriate revisions to Section 230, this liability would extend to online platforms, including social media and livestreaming platforms, that do not take reasonable steps to prevent such content from appearing.
- **Add Restrictions to Livestreaming:** Livestreaming was used as a tool by the Buffalo shooter, like previous hate-fueled attacks, to instantaneously document and broadcast his violent acts to

secure a measure of fame and radicalize others. Livestreaming on platforms should be subject to restrictions — including verification requirements and tape delays — tailored to identify first-person violence before it can be widely disseminated.

- **Reform Section 230:** Currently, Section 230 of the federal Communications Decency Act protects online platforms from liability for third-party content that they host, regardless of those platforms' moderation practices. Congress should rethink the ready availability of Section 230 as a complete defense for online platforms' content moderation practices. Instead, the law should be reformed to require an online platform that wishes to retain Section 230's protections to take reasonable steps to prevent unlawful violent criminal content from appearing on the platform. This proposal would change the default. Instead of simply being able to assert protection under Section 230, an online platform has the initial burden of establishing that its policies and practices were reasonably designed to address unlawful content.
- **Increase Transparency and Strengthen Moderation:** Online platforms should provide better transparency into their content moderation policies and how those policies are applied in practice, including those that are aimed at addressing hateful, extremist, and racist content. They should also invest in improving industry-wide processes and procedures for reducing the prevalence of such content, including by expanding the types of content that can be analyzed for violations of their policies, improving detection technology, and providing even more efficient means to share information.
- **Call on Industry Service Providers to Do More:** Online service providers, like domain registrars and hosting companies, stand in between fringe sites and users. These companies should take a closer look at the websites that repeatedly traffic in violent, hateful content, and refuse to service sites that perpetuate the cycle of white supremacist violence.

"On the afternoon of May 14, 2022, a lone shooter traveled 200 miles to inflict a vile, racist act of terrorism on the good, innocent people of Buffalo. This killer and others like him have used virtual chatrooms and various forms of social media to plan, coordinate, and broadcast attacks leading to unthinkable and yet very real pain and suffering," said **U.S. Representative Brian Higgins**. "For too long mega companies have sidestepped their responsibility to content moderation and have not been held accountable for acting as a host for dangerous and criminal activity. May this horrible tragedy be

a conduit to fight hate and promote understanding, to hold people responsible for their actions, and to build a more just society.”

“The sights and sounds of the horrific, racist attack haunted many of those directly and indirectly impacted by that terrible event. Not only had those in the Tops and their loved ones endured this profound loss in real time, but they would later find out that the racist gunman had broadcast his slaughter on social media, where millions around the world could watch as each of these beautiful, full lives were targeted and taken so senselessly,” said **State Senator Tim Kennedy**. “While this livestream was later taken down, the video of their murders and attempted murders continued to circulate, shared by millions on social media and broadcasted in news coverage — a visual no family should ever have to witness once, let alone in perpetuity. The report from Attorney General James highlights these issues and offers smart solutions and action plans. Social media companies need to be held accountable. They must better monitor the hate speech that pervades feeds and platforms, and commit to removing threats and dangerous, aggressive propaganda.”

“The hate-fueled mass murder on May 14th forever changed our community. While the pain is real, we are strong and resilient and refuse to allow this racist act to define us as a people and as a community,” said **State Assembly Majority Leader Crystal D. Peoples-Stokes**. “This attack highlighted how hate grows and is nurtured in the internet’s dark corners. I commend Attorney General James for this report and for her proposals to combat this hatred and calls for violence. We need more accountability from the platforms that encourage and celebrate violence.”

“The role that social media played in the mass shooting here in Buffalo illustrates the need to address the increase in vicious online content,” said **Erie County Executive Mark C. Poloncarz**. “The ability for a white supremacist to post disturbing messages and images prior to and during senseless attacks such as what occurred in our community on May 14th has to be addressed. Social media organizations have a moral responsibility to identify and remove threatening content, especially indirect and more discreet threats that are often more difficult to flag and investigate than clear statements of intended violence. Attorney General James’ report highlighted serious issues that must be addressed, and I thank her for her recommendations on how we move forward on the state and national levels. Radicalized violent extremists should not be provided any additional motivation to kill and cause harm to others.”

“We need to take online extremism seriously. The shooter found a community online that reinforced his bigotry, radicalized him by indoctrinating him with conspiracy theories, and provided him with

strategies to carry out his attack on innocent people," said **Erie County Legislature Chair April N.M. Baskin**. "Here in Erie County, we have developed the Office Behavioral Threat Assessment Team, which will follow up on threats made to institutions and community organizations. This is a model that should be considered in other communities. I thank Attorney General James for the report generated by her office and providing local, state, and federal officials with steps that can be taken to help save lives and combat online radicalization."

"A growing number of violent attacks on communities start with hate speech online," said **Buffalo Mayor Byron Brown**. "It's far too easy for individuals to become radicalized and indoctrinated with a hateful ideology through the internet. The 5/14 mass murderer researched his Buffalo target, spread this hateful manifesto, and livestreamed his murders with disturbing ease. Much more must be done to ensure that there is no place on the internet for hate speech, for hate indoctrination, for spreading hate manifestos."

"Social media had many negative effects on the community regarding the mass shooting on May 14th. It not only broadcasted a malicious attack leaving far too many traumatized, but it made us aware of yet another shared hatred space for communities of color," said **Buffalo Common Council President Darius G. Pridgen**. "The shooter took away ten family members from our community and eliminated the feeling of peace and safety in exchange for fear and pain. We need to ensure that individuals and groups are being better monitored online and investigated so we can prevent further terrorism. All threats of harm should be taken seriously and acted on immediately."

In May 2022, Governor Hochul [provided a referral to OAG under New York Executive Law Section 63\(8\) to investigate the role of online platforms in the Buffalo shooting.](#)

The investigation and subsequent report were conducted by the Bureau of Internet and Technology and the Hate Crimes Unit of the Civil Rights Bureau, with special assistance from the Research and Analytics Division and the Division for Criminal Justice.